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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID GARCIA,

Defendant.

CASE NO. 1:22-CR-00308-ADA-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

CURRENT DATE: February 8, 2023
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and DAVID GARCIA,
by and through defendant's counsel of record, Robert Lamanuzzi, hereby stipulate as follows:

1. By previous order, this matter was set for status on February 8, 2023.
2. By this stipulation, defendant now moves to continue the status conference until June 14, 2023, and to exclude time between February 8, 2023, and June 14, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

3. While the parties anticipate that the case may resolve without a trial, this is not yet a certainty. If defendant ultimately does not enter a guilty plea and decides to proceed to trial, the parties agree and stipulate, and request that the Court find the following:

a) The government asserts the discovery in this matter has been provided to counsel.
The government is aware of its ongoing discovery obligations.

1 b) The government is amendable to providing a plea offer if defendant makes such a
2 request.

3 c) Counsel for the defendant desires additional time to consult with his client, to
4 review the current charges, to conduct investigation and research related to the charges, to review
5 and/or copy discovery for this matter, to discuss potential resolutions with his client, to prepare
6 pretrial motions, and to otherwise prepare for trial.

7 d) Counsel for defendant believes that failure to grant the above-requested
8 continuance would deny them the reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence.

10 e) The government does not object to the continuance.

11 f) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of February 8, 2023 to June 14, 2023,
16 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4],
17 because it results from a continuance granted by the Court at defendant's request on the basis of
18 the Court's finding that the ends of justice served by taking such action outweigh the best interest
19 of the public and the defendant in a speedy trial.

20 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
21 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial

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1 must commence.

2 IT IS SO STIPULATED.

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4 Dated: January 31, 2023

PHILLIP A. TALBERT
United States Attorney

5 /s/ JESSICA A. MASSEY
6 JESSICA A. MASSEY
Assistant United States Attorney

7 Dated: January 31, 2023

8 /s/ ROBERT LAMANUZZI
9 ROBERT LAMANUZZI
Counsel for Defendant

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11 **ORDER**

12 IT IS SO ORDERED that the status conference is continued from February 8, 2023, to **June 14,**
13 **2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to 18
14 U.S.C. § 3161(h)(7)(A), B(iv).

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16 IT IS SO ORDERED.

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18 Dated: **February 1, 2023**

/s/ *Barbara A. McAuliffe*
19 UNITED STATES MAGISTRATE JUDGE